



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
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January 14, 2019

Corporation Counsel Donna Leong
Department of Corporation Counsel
530 S. King Street, Room 110
Honolulu, HI 96814

Corporation Counsel Donna Leong:

In a January 11th Civil Beat article, it states that "Ernest Nomura, a Honolulu deputy corporation counsel representing Takahashi, referred requests for comment to the Mayor's Office, which declined to comment." I write to express my concern of the appearance of a serious conflict of interest in having the Mayor's Office involved in defending the City Clerk's practices and procedures on absentee ballots.

As you know, the Mayor has publically endorsed Mr. Waters in his campaign for Honolulu City Council and therefore would like Mr. Waters declared as the winner in the election. Your office is charged with representing the City Clerk to ensure that the City Clerk's practices and procedures in counting the absentee ballots complied with all laws and that the election result is upheld. How can your office vigorously defend the City Clerk's practices and procedures when the Mayor himself would like to see that Mr. Waters be declared the winner? In my view, this is a serious conflict of interest and the Mayor's Office must not be involved in any way in defending the City's position in the appeal. Your office should have considered obtaining outside counsel to represent the City Clerk in the appeal to avoid any appearance of impropriety.

As the time to do that now is too late, please advise who will be arguing the City's position before the Hawaii Supreme Court on Tuesday. I hope whoever is arguing the City's position from your office will do so vigorously to the fullest extent possible to ensure that the City Clerk's practices and procedures are upheld.

Sincerely,

A handwritten signature in cursive script that reads "Ann Kobayashi".

Ann Kobayashi
Honolulu City Councilmember

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